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VIA CM/ECF & HAND DELIVERY

The Honorable Jennifer L. Hall
United States District Court
844 North King Street
Wilmington, DE 19801

Re: *Apple Inc. v. Masimo Corporation, et al.*,
C.A. Nos. 22-1377-JLH and 22-1378-JLH

Dear Judge Hall,

I write on behalf of Defendants Masimo Corporation and Sound United, LLC (collectively “Masimo”) regarding the Court’s Order on Masimo’s Motion to Seal Certain Trial Exhibits (“Order”) (D.I. 803, C.A. No. 22-1377; D.I. 818, C.A. No. 22-1378). Pursuant to the Court’s Order, Masimo hereby re-submits proposed redacted versions of DTX-3049 (Ex. 1) and PTX-1633 (Ex. 2). Following the Court’s guidance, Masimo no longer seeks to redact (1) page 12 of DTX-3049, and (2) Section 8.1.2.4 on page 4 of PTX-1633.

Masimo also seeks to clarify the Court’s Order. In Section 1 on pages 4-5, the Court’s Order omitted five exhibits that Masimo had sought to seal. Those exhibits contain Masimo’s confidential financial and sales information (PTX-1409 and PTX-1686) and confidential business and strategy information (PTX-1086, PTX-1417, and PTX-1909). Masimo’s motion to seal addressed those five exhibits (D.I. 786 at pgs. 4-5, C.A. No. 22-1377; D.I. 802 at pgs. 4-5, C.A. No. 22-1378). In its Order, the Court explained that it conducted the “required document-by-document review of the documents sought to be sealed.” Order at 2. The Court also explained that “Masimo seeks to redact three groups of exhibits,” including “exhibits concerning Masimo’s confidential financial and sales information” and “exhibits concerning Masimo’s confidential business and strategy information.” *Id.* at 2. Except for DTX-3049 and PTX-1633, the Court “confirmed that the portions of the remaining exhibits Masimo seeks to seal were not published or discussed in open court.” *Id.* at 3. Thus, Masimo understands that the Court intended to order that these five exhibits (*i.e.*, PTX-1409, PTX-1686, PTX-1086, PTX-1417, and PTX-1686) be sealed as Masimo proposed in its motion. If Masimo’s understanding is correct, Masimo respectfully requests that the Court enter an additional order making that understanding explicit. For the Court’s convenience, Masimo has attached a proposed order to seal those exhibits.

Respectfully submitted,

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (#110)

cc: All Counsel of Record (via CM/ECF & Email)